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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

OAKLAND DIVISION

IN RE RACKABLE SYSTEMS, INC.
SECURITIES LITIGATION

) Case No. C-09-0222-CW

) CLASS ACTION

THIS DOCUMENT RELATES TO:
ALL ACTIONS.

) **STIPULATION AND ORDER**
) **CONTINUING CASE MANAGEMENT**
) **CONFERENCE - AS MODIFIED**

1 WHEREAS, on April 5, 2010, the Court entered its Order granting Lead Plaintiffs' leave
2 to file their Supplemental Second Amended Complaint ("Second Amended Complaint");

3 WHEREAS, on April 9, 2010, Defendants moved to dismiss the Second Amended
4 Complaint;

5 WHEREAS, pursuant to the Court's April 5, 2010 Order, Lead Plaintiffs' opposition to
6 Defendants' motion is due May 12, 2010, Defendants' reply is due May 26, 2010, and the hearing
7 on the motion to dismiss is scheduled for June 3, 2010;

8 WHEREAS, a Case Management Conference is currently scheduled for May 11, 2010, at
9 2 p.m.;

10 WHEREAS, in light of Defendants' pending motion to dismiss and the discovery stay
11 imposed by the Private Securities Litigation Reform Act of 1995, the parties believe that the Case
12 Management Conference currently scheduled for May 11, 2010, should be continued until after
13 the hearing on Defendants' motion to dismiss;

14 NOW, THEREFORE, the undersigned parties hereby stipulate and agree, and respectfully
15 request that the Court enter an order, as follows:

- 16 1. That the Case Management Conference scheduled for May 11, 2010 is vacated,
17 and;
18 2. That a Case Management Conference is now set for June 22, 2010, at 2 p.m.

19
20 IT IS SO STIPULATED.

21
22 O'MELVENY & MYERS LLP

23
24 Dated: May 6, 2010

25 By: /s/
Meredith N. Landy

26 Attorneys for Defendants Rackable Systems,
27 Inc., Thomas K. Barton, Madhu Ranganathan
28 and Todd R. Ford

GLANCY BINKOW & GOLDBERG LLP

Dated: May 6, 2010

By: /s/
Lionel Z. Glancy
Michael Goldberg
Attorneys for Lead Plaintiff


I, Meredith N. Landy, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Regarding Scheduling Matters. In compliance with General Order 45, X.B., I hereby attest that Lionel Z. Glancy has concurred in this filing.

By: /s/
Meredith N. Landy

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. **But see the Order of May 6: hearing on motion to dismiss must be rescheduled.**

DATED: May 10, 2010


The Honorable Claudia Wilken
United States District Judge